

### REMARKS

In response to the Office Action mailed March 17, 2010, Applicant respectfully requests reconsideration by the submission of this amendment.

By this amendment, Applicant is cancelling claims 18 and 28 and amending claims 15-17, 22, 23, 25-27 and 34. Applicant respectfully submits that no new matter has been added.

#### **In the Claims**

Applicant has amended and canceled claims herein solely to expedite prosecution of this application. In doing so, Applicant does not dedicate the subject matter of the amended or canceled claims, either as previously pending or originally filed, to the public, and does not acquiesce to the Examiner's reason(s) offered in support of the rejections of the amended or canceled claims or any claim(s) that depend therefrom. Applicant also reserves the right to seek patent protection for claims similar or identical to the amended or canceled claims, either as previously pending or originally filed, in one or more subsequently filed and related applications.

Applicant has amended independent claim 15 to recite a treatment handler, in communication with a balance manager, that determines whether a next wireless telephone call will be subject to real-time monitoring or only wireless telephone call processing based on a modified subscriber account record "if the last terminated wireless telephone call was not subject to real-time monitoring." Similarly, independent claim 34, directed to a method of selectively employing real-time wireless telephone call control resources, has been amended to recite that a treatment handler analyzes a subscriber account record "if the last terminated wireless telephone call chargeable to the subscriber account was not subject to real-time monitoring." Applicant respectfully submits that support for the amendments to independent claims 15 and 34 is found in the original specification as filed at least at page 22, lines 4-8 and page 27, lines 7-13.

#### **Rejections under 35 USC §103**

Claims 15-28, 30, 34, and 37-43 stand rejected under §103(a) as being obvious over Gurel, U.S. Publication 2004/0023636 in view of Dominguez, U.S. Publication 2003/0200184. Applicant respectfully traverses as follows.

Gurel is directed to a wireless prepaid pay phone system that allows for automatically calculating an amount to be charged for a call. {Abstract}. Gurel describes a scenario where an owner of a prepaid wireless handset loans the use of the handset to others and then collects a payment to cover the cost of the phone call in addition to some other margin or markup. {Paragraphs 3-15}. In operation, Gurel's system determines the owner's current balance and sends that balance amount to a pay phone application to allow the current balance to be displayed on the screen of the handset. {Paragraph 33}. The owner then loans the handset to a loanee in order to make a call and upon termination of the call a new balance is determined from which an amount to be charged for the just completed call is determined and, if predefined, a defined margin is added. {Paragraph 34}. When the loanee is finished using the handset, after making one or more calls, the accumulated price for the calls is on display and the loanee then pays the owner for the use of the phone. {Paragraph 36-38}.

Gurel also describes operation where the owner may preset a lower amount limit that a user may incur where, for example, the loanee is not well known to the owner but may be set to a higher limit for someone that is well known to the owner. {Paragraph 39}. Further, Gurel discloses other types of security options that may be implemented by the owner, for example, a password requirement, blocking certain phone services, limiting calls to certain geographical regions and/or limiting the total charges that may be incurred. {Paragraph 41-42}.

In contrast, claim 15, as amended, recites a system for enabling the selective use of real-time wireless telephone call control resources in a telecommunications system comprising a subscriber database comprised of subscriber account records relevant to a respective subscriber account and a balance manager, in communication with the subscriber database, for modifying a respective subscriber account record in the subscriber database on the basis of rated real-time wireless telephone call characterizing data. A treatment handler, in communication with the balance manager, determines, "based on the modified subscriber account record and if the last terminated wireless telephone call was not subject to real-time monitoring," whether a next wireless telephone call is subject to wireless telephone call processing before, and real-time monitoring during, or whether the next wireless telephone call is subject to only wireless telephone call processing after termination.

Gurel does not teach or suggest that a next telephone call will be handled in a way that is based on a determination of how the last terminated telephone call was implemented, i.e., with or without real-time monitoring. Gurel also does not teach or suggest that the subsequent telephone call will be handled in a way that is based on the outcome of a treatment handler working together with a balance manager, where the treatment handler analysis is performed when the last terminated telephone call was not subject to real time monitoring. As Gurel discloses, the owner determines how a subsequent loaning of the phone will be handled based on a relationship with the loanee and not, in contrast to that which is recited in independent claim 15, as amended, based on whether or not the prior call was subject to real-time monitoring.

Dominguez is directed to a payment authentication service that authenticates an identity of a payer during online transactions. {Abstract}. While Dominguez may be implemented as a transaction over a mobile device, Dominguez does not remedy the deficiencies of Gurel with respect to independent claim 15 as there is no teaching or suggestion to be found in Dominguez as to how to handle a wireless phone call.

As a result, Applicant respectfully maintains, for at least the reasons submitted above, that the combination of Gurel in view of Dominguez does not render obvious that which is recited in independent claim 15 nor that which is recited in claims 16, 17, 19-27 and 29-33 which depend either directly or indirectly from independent claim 15.

Independent claim 34, as amended, is directed to a method of selectively employing real-time wireless telephone call control resources for a subscriber to a telecommunications service plan and comprises analyzing the subscriber account record at a treatment handler for determining if a subsequent subscriber - initiated wireless telephone call is to be subject to wireless telephone call processing before, and real-time monitoring during, the subsequent wireless telephone call or if the wireless telephone call is to be subject to only wireless telephone call processing after termination. Claim 34 further recites that the treatment handler “analyzes the subscriber account record if the last terminated wireless call chargeable to the subscriber account was not subject to real-time monitoring.”

Thus, as submitted above, as Gurel does not analyze a subscriber record if the last terminated wireless telephone call was not subject to real-time monitoring, Applicant respectfully

submits that the cited combination of Gurel and Dominguez does not render obvious that which is recited in independent claim 34 nor in claims 37-43 that depend from independent claim 34.

Accordingly, Applicant respectfully requests that the rejections of the claims under §103 be withdrawn.

Applicant believes the claims are in condition for allowance and a notice to this effect is earnestly solicited. If the Examiner has any questions, the Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. The Examiner is hereby authorized to charge any fees, or credit any balances, due to this submission, to Deposit Account No. 23-0804.

Respectfully submitted,

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